

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**CHARTER'S OBJECTIONS TO MEMORANDUM ORDER (DKT. 366)
GRANTING-IN-PART AND DENYING-IN-PART ENTROPIC'S MOTION TO STRIKE
THE EXPERT REPORT OF DAVID O. TAYLOR (DKT. 141)**

I. INTRODUCTION

Pursuant to Local Rule CV-72(b) and 28 U.S.C. § 636(b)(1), Defendant Charter Communications, Inc. (“Charter”) respectfully objects to Judge Payne’s Memorandum Order (the “Order,” Dkt. 366) granting-in-part and denying-in-part Plaintiff Entropic Communications, LLC’s (“Entropic”) Motion to Strike the Expert Report of David O. Taylor (the “Motion,” Dkt. 141).

The Order is clearly erroneous and/or contrary to law for granting the Motion to strike portions of Mr. Taylor’s expert report (the “Expert Report”) of Charter’s expert, Mr. Taylor, that concern the third-party devices using chips from MaxLinear, Inc. (“MaxLinear”) as non-infringing alternatives. (Order at 4, 6).

II. ARGUMENT

A. The Magistrate Judge’s grant of Entropic’s Motion to strike Mr. Taylor’s report concerning the MaxLinear non-infringing alternatives was clearly erroneous and/or contrary to law

In granting Entropic’s motion to strike Mr. Taylor’s opinions concerning MaxLinear chips as a non-infringing alternative, Magistrate Judge Payne explained that “the undersigned has recommended granting summary judgment that the MaxLinear chips are not non-infringing alternatives. (Dkt. No. 349.) The portions of Professor Taylor’s report relating to these chips are therefore irrelevant and should be excluded.” (Dkt. 366 at 4.) As set forth in Charter’s objections to the Report and Recommendation Granting-in-Part Entropic’s Motion for Partial Summary Judgment That Devices with MaxLinear Chips are Not Non-Infringing Alternatives Affecting The Reasonable Royalty Rate, filed contemporaneously with this brief, the Report and Recommendation was in error and Entropic’s motion should have been denied.. Accordingly, should the Court sustain Charter’s objections for the reasons set forth in Charter’s brief, Charter

respectfully requests that this portion of Magistrate Judge Payne's order be reconsidered and denied because it would be clearly erroneous and/or contrary to law.

III. CONCLUSION

For the foregoing reasons, Charter respectfully requests this Court enter Charter's proposed order sustaining Charter's objections to the Magistrate Judge's Order granting-in-part and denying-in-part Entropic's Motion.

Dated: December 7, 2023

Respectfully submitted,

/s/ Daniel Reisner by permission Elizabeth Long

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served December 7, 2023, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ Elizabeth Long

Elizabeth Long